

PHARMACY EXAMINING BOARD
REGULAR MEETING
JANUARY 8, 2002

MEMBERS PRESENT: Cynthia Benning, RPH; Michael Bettiga, RPH; John Bohlman, RPH; Georgina Forbes; Dan Luce, RPH; Charlotte Rasmussen; Sue Sutter

LEGAL COUNSEL: William Black

STAFF PRESENT: Deanna Zychowski, Karen Rude-Evans

GUESTS: Gina Besteman, Women's International Pharmacy; Jennifer Stehling, Manimala Mahesh, Antoinette Gleason, Angela Gleason and Karen Erceg, students; Jamie Statz Paynter, Dean Pharmacy; Susan Kleppin, PSW; Susan Hanosh, Walgreen's

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA

Amendments: -Proposed stipulation in the matter concerning Paul Jankowski, RPH – Wales – Case Advisor, Sue Sutter
-Response to clearinghouse comments regarding clearinghouse rule 01-134
-Additional practice questions
-Item F – variance request from Peshtigo Pharmacy was handled at the December meeting
-PSW Legislative Day

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the agenda as amended.

ELECTION OF OFFICERS

MOTION: Dan Luce moved, seconded by Michael Bettiga, to nominate Sue Sutter for Chair.

Chair John Bohlman called for nominations for Chair three times. No further nominations were made.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to elect Sue Sutter as Chair. Motion carried unanimously.

Sue Sutter took over as Chair at this time.

MOTION: Dan Luce moved, seconded by John Bohlman, to nominate Michael Bettiga for Vice Chair.

Chair Sue Sutter called for nominations for Vice Chair three times. No further nominations were made.

MOTION: Dan Luce moved, seconded by John Bohlman, to elect Michael Bettiga as Vice Chair. Motion carried unanimously.

MOTION: John Bohlman moved, seconded by Michael Bettiga, to nominate Georgina Forbes for Secretary.

Chair Sue Sutter called for nominations for Secretary three times. No further nominations were made.

MOTION: John Bohlman moved, seconded by Michael Bettiga, to elect Georgina Forbes as Secretary. Motion carried unanimously.

All committees and liaisons will remain the same at this time.

APPROVAL OF MINUTES OF DECEMBER 11, 2001

Corrections: -On page 5, under DISCUSSION OF CBRF RULE RE-WRITE..., at the end of the paragraph add the following sentence, "Legal counsel will draft a response to Mr. Engelbert."

MOTION: Sue Sutter moved, seconded by Dan Luce, to approve the Minutes of December 11, 2001, as corrected. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Herrera was not available to meet with the Board.

PRESENTATION OF PROPOSED STIPULATIONS

PAUL JANKOWSKI, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Paul Jankowski, RPH. This matter will be deliberated on in closed session.

CORRESPONDENCE FROM BRUCE BARRETTE RELATING TO REORGANIZATION OF DRL

The Board discussed the correspondence from Bruce Barrette, DDS, chair of the Dentistry Examining Board, relating to the reorganization of DRL.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to allow all interested Board members to participate and represent the Board in a group meeting in Madison between board chairs and representatives of each board with Secretary Herrera in order to discuss the reorganization proposal. Three issues of particular concern are the lack of board input into the proposed reorganization plan, the effect this will have on credential holders and credentialing and the timely and appropriate prosecution of complaints in DOE. Motion carried unanimously.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These summary reports were not available.

REVIEW OF PHARMACY INTERNSHIP PERMANENT RULE AND CLEARINGHOUSE COMMENTS

The Board reviewed the pharmacy internship permanent rules and the clearinghouse comments. Legal counsel will redraft the response to the clearinghouse comments.

REVIEWED OF PROPOSED FORMS FOR PROOF ON COMPLETION OF INTERNSHIP REQUIREMENTS

The Board reviewed the proposed forms.

MOTION: John Bohlman moved, seconded by Dan Luce, to allow a member of the Board to make a presentation to the UW School of Pharmacy regarding the internship rules. Motion carried unanimously.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to approve the distributor's applications of **Apria Healthcare, Inc., Green Bay; Briovail Pharmaceuticals, Inc., TN; Bristol-Meyers Squibb Medical Imaging, MA; Bristol-Meyers Squibb Medical Imaging, OH; Cyclin Pharmaceuticals, Inc., Madison; Easy Returns Worldwide, Inc., MO; Madison Pharmacy Associates, Madison; Nufactor, Inc., CA and Proctor & Gamble Pharmaceuticals, Inc., OH.** Motion carried unanimously.

DISCUSSION OF WALGREEN'S LICENSING AND DISCLOSURE OF DISCIPLINE

Kris Hendrikson spoke with the Board regarding a disclosure issue on the pharmacy license applications received from Walgreen's.

MOTION: Michael Bettiga moved, seconded by John Bohlman, to eliminate questions # 5 and # 6 on the pharmacy license application. Motion carried unanimously.

REPACKAGING OF DRUGS PREVIOUSLY DISPENSED BY ANOTHER PHARMACY

MOTION: Dan Luce moved, seconded by Cynthia Benning, to have legal counsel draft a position statement of the Board's stance on repackaging of drugs for CBRF patients. Motion carried unanimously.

PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel to reply.

DISCUSSION OF ELECTRONIC SIGNATURES

The Board discussed electronic signatures. This issue will need further discussion as technological advances continue to create new types and uses of "electronic signatures."

DISCUSSION REGARDING PRE-PRINTED PRESCRIPTION PADS

The Medical Examining Board maintains that pre-printed information on prescription pads is allowable, but the prescriber must make a physical mark to indicate the pre-printed information is to be followed.

PRELIMINARY DISCUSSION OF OXYGEN BEING DISPENSED BY DISTRIBUTORS

Oxygen is a prescription drug and by law can only be dispensed by a pharmacy.

NABP REQUESTS FOR MPJE ITEM WRITING WORKSHOP

Cynthia Benning will continue to be involved with the NABP - MPJE item writing workshop, but encouraged other Board members to consider participating as well.

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to authorize Cynthia Benning to participate in the NABP -MPJE item writing workshop to be held January 25-27 in Rosemont, IL. Motion carried unanimously.

PSW LEGISLATIVE DAY

MOTION: John Bohlman moved, seconded by Cynthia Benning, to allow Board members to participate in the PSW Legislative Day on March 6, 2002. Motion carried unanimously.

UPDATE ON CE RULE PROCESS

The rule is up at the legislature at this time. Sue Sutter and Michael Bettiga will represent the Board if a public hearing is scheduled.

SUMMARY UPDATE ON STATISTICAL REPORT

Alfred Hall updated the Board on inspection issues and violations found during inspections.

DISCUSSION OF SPRING PHARMACY RETREAT

A spring pharmacy retreat is being jointly planned with the Pharmacy Examining Board, UW School of Pharmacy Dean Weinswig and PSW. The topic is “Moving Towards the Future in Pharmacy.”

MOTION: John Bohlman moved, seconded by Cynthia Benning, to have Board members continue to be involved in the planning of the spring pharmacy retreat. Motion carried unanimously.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported the CSB has not met since the last PEB meeting.

REGULATORY DIGEST

The next *Regulatory Digest* is being worked on..

RECESS TO CLOSED SESSION

MOTION: Dan Luce moved, seconded by Georgina Forbes, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis Stats., for the purpose of a personal appearance to request modification of order, deliberation of a proposed stipulation, considering requests for stays of suspensions and modifications of orders, reviewing an order, consideration of an order fixing costs, review of petition to resolve the matter concerning Women’s International Pharmacy, discussion of examination issues, reviewing case status report and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter - yes. Motion carried unanimously.

Open session recessed at 12:40 p.m.

RECONVENE IN OPEN SESSION

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 3:08 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PERSONAL APPEARANCE

RALPH KOCH, RPH

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to grant a reduction in therapy to once every three months to Ralph Koch, R.Ph. Motion carried unanimously.

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

MARK G ANDERSON, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to Mark G. Anderson, R.Ph., and to approve the screens at the worksite. Motion carried unanimously.

ROBERT GUZZETTA, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Robert Guzzetta, R.Ph. Motion carried unanimously.

JOHN LITZENBERG, RPH

MOTION: Michael Bettiga moved, seconded by John Bohlman, to grant a three-month stay of suspension but deny the request for an increase in hours as pharmacist-in-charge to John Litzenberg, R.Ph. Motion carried unanimously.

CRAIG MOON, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant a three-month stay of suspension but deny the request for a reduction in screens to Craig Moon, R.Ph. Dan Luce abstained. Motion carried.

MICHAEL O'KRAY, RPH

The Board reviewed the Order and positive screens for alcohol for Michael O'Kray, R.Ph. The department monitor will correspond with Mr. O'Kray and ask him to appear before the Board in February. No Board action was taken at this time.

KEVIN PAMPUCH, RPH

MOTION: John Bohlman moved, seconded by Michael Bettiga, to grant a three-month stay of suspension but deny the request for modifications to Kevin Pampuch, R.Ph. Dan Luce abstained. Motion carried.

JEFFREY VERZAL, RPH

MOTION: John Bohlman moved, seconded by Michael Bettiga, to grant a one-month stay of suspension Jeffrey Verzal, R.Ph., and to require Mr. Verzal to reply before the next Board meeting with an explanation of why screens were cancelled. Motion carried unanimously.

ORDER FIXING COSTS

HANI S AMER, RPH

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to adopt the Order Fixing Costs in the matter concerning Hani S. Amer, R.Ph. Motion carried unanimously.

PETITION TO RESOLVE MATTER

WOMEN'S INTERNATIONAL PHARMACY

MOTION: Michael Bettiga moved, seconded by Dan Luce, to reject the proposed settlement offer from Women's International Pharmacy. John Bohlman and Cynthia Benning abstained. Motion carried.

PROPOSED STIPULATION

PAUL JANKOWSKI, RPH

MOTION: John Bohlman moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Paul Jankowski, R.Ph. Dan Luce abstained. Motion carried.

CASE STATUS REPORT

MOTION: John Bohlman moved, seconded by Dan Luce, to close complaint **00 PHM 050** for prosecutorial discretion (P3). Case advisor was Michael Bettiga. Motion carried unanimously.

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to close complaint **00 PHM 011** against Walgreens #03567 for prosecutorial discretion (P3). Case advisor was Sue Sutter. Dan Luce abstained. Motion carried.

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to close complaint **00 PHM 011** against A.K., R.Ph., for prosecutorial discretion (P3). Case advisor was Sue Sutter. Dan Luce abstained. Motion carried.

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to close complaint **01 PHM 035** for compliance gained (P2). Case advisor was Cynthia Benning. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board noted the informational items.

ADJOURNMENT

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:15 p.m.

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